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Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARK MOSS, an individual;

Plaintiff,

V.

GIGA WATT, INC., a Washington corporation; and GIGA WATT, PTE, LTD., a foreign corporation;

Defendants.

RAYMOND BALESTRA, individually
and on behalf of all others similarly
situated.

Plaintiff.

V.

GIGA WATT, INC., GIGA WATT,
PTE, LTD., CRYPTONOMOS PTE.
LTD., and DAVE CARLSON,

Defendants.

CASE NOS.: 2:18-cv-00100-SMJ
2:18-cv-00103-SMJ

**STIPULATION TO
CONSOLIDATE ACTIONS
UNDER FED. R. CIV. P. 42(a)**

CLASS ACTION

1 All parties to the two above-captioned actions, through their respective
 2 counsel of record, submit the following Stipulation To Consolidate Actions Under
 3 Fed. R. Civ. P. 42(a), and ask the Court to enter an order consistent with this
 4 Stipulation.

5 WHEREAS, on March 19, 2018, plaintiff Mark Moss filed Case No. 2:18-
 6 cv-00100 against defendants Giga Watt, Inc. and GigaWatt Pte. Ltd. (the “*Moss*
 7 Action”). And the following day, on March 20, 2018, plaintiff Raymond Balestra,
 8 individually and on behalf of all others similarly situated, filed Case No. 2:18-cv-
 9 00103 against the same defendants as well as Cryptonomos Pte. Ltd. and Dave
 10 Carlson (the “*Balestra* Action”);

11 WHEREAS, the *Moss* Action and *Balestra* Action share numerous common
 12 questions of law and fact, and both actions are currently pending before this Court;

13 WHEREAS, defendants in the *Moss* Action have until July 2, 2018 to file a
 14 responsive pleading in that action;

15 WHEREAS, on June 28, 2018, this Court appointed Silver Miller, counsel
 16 for plaintiff in the *Moss* Action, as co-lead counsel for the proposed class in the
 17 *Balestra* Action;

18 WHEREAS, this Court has ordered that defendants in the *Balestra* Action
 19 need not file a responsive pleading in that action until 45 days after lead plaintiff in
 20 the *Balestra* Action has filed and served a consolidated complaint, or designated an
 21 operative complaint in that action;

22 WHEREAS, the parties agree that requiring defendants to respond
 23 separately to the complaint in the *Moss* Action and the complaint to be deemed

1 operative by the lead plaintiff in the *Balestra* Action would be duplicative and
 2 wasteful;

3 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
 4 among the respective parties hereto, that:

5 (1) The two above-captioned actions be consolidated for all purposes,
 6 including pre-trial proceedings and trial, with the *Balestra* Action serving as the
 7 lead case; and

8 (2) Defendants need not file any responsive pleading in the consolidated
 9 action until 45 days after lead plaintiff in the *Balestra* Action, once appointed, has
 10 filed and served a consolidated complaint, or designated an operative complaint in
 11 that action.

12 Together with this Stipulation, the parties respectfully submit a proposed
 13 order to the above effect.

14 Dated: July 2, 2018

15 By: /s/ Barry M. Kaplan
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Attorneys for all defendants in the Moss and
Balestra Actions

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23 Action, and Co-Lead Counsel in the Balestra Action*

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32 Donald J. Enright (to be admitted *pro hac vice*)

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4 *Attorneys for plaintiff Raymond Balestra and*
5 *Liaison and Co-Lead Counsel, respectively, in the*
6 *Balestra Action*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 2, 2018, I electronically filed the foregoing with
3 the Clerk of the Court using the CM/ECF System which will send notification of
4 such filing to the following:

5 Roger M. Townsend rtownsend@bjtlegal.com

6 Barry M. Kaplan bkaplan@wsgr.com, rcarter@wsgr.com

7 Gregory L. Watts gwatts@wsgr.com, rcarter@wsgr.com

8 I certify that I served the foregoing by email to the following:

9 Donald J. Enright denright@zlk.com

10 /s/ Barry M. Kaplan

11 Barry M. Kaplan, WSBA #8661